

**PB# 07-05**

**McQuiston/Froelich  
(LLC)**

**24-4-6**

TOWN OF NEW WINDSOR  
PLANNING BOARD  
**APPROVED COPY**

DATE: 7-16-08

**07-05** McQuiston / Froelich Wtg  
Pine St.



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/25/2008

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 7-5

NAME: MCQUISTON / FROELICH LL CHG PA2006-1187

APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
07/16/2008	PLANS STAMPED	APPROVED
02/28/2007	P.B. APPEARANCE	SEND TO OCP - ZBA
01/03/2007	WORK SHOP	SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/25/2008

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 7-5

NAME: MCQUISTON / FROELICH LL CHG PA2006-1187  
APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/21/2008	LL CHG APPROVAL	CHG	150.00		
		TOTAL:	150.00	0.00	150.00

**RESOLUTION ADOPTING A NEGATIVE DECLARATION  
FOR A LOT LINE CHANGE**

*McQuiston-Froelich Lot Line Change  
PB #07-05  
(S-B-L:24-4-5 & 24-4-6)*

**WHEREAS**, an application was made to the Planning Board of the Town of New Windsor for approval of a lot line change by John McQuiston (the "applicant") for a project described as the "McQuiston-Froelich lot line change"; and

**WHEREAS**, the subject sites consist of a total of 26,679 square feet of land, 17,679 and 9,000 square feet respectively, located on the South side of Union Avenue and the West side of Pine Street and comprised of two tax map parcels in the Town of New Windsor identified on the tax map as section 24, block 4, and lots 5 & 6 (SBL 24-4-5 & 6); and

**WHEREAS**, the action involves a request for a lot line change, which is a minor subdivision approval from the Town of New Windsor; and

**WHEREAS**, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, the Planning Board conducted an uncoordinated SEQRA review for this project; and

**WHEREAS**, during the course of the Planning Board's review of the Applicant's proposed subdivision layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

**WHEREAS**, on April 23, 2008 the Planning Board of the Town of New Windsor waived the public hearing; and

**WHEREAS**, the application and related materials were previously submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded recommending local determination; and

**WHEREAS**, this application required an area variance from the Zoning Board of Appeals, which variance was granted;

**WHEREAS,** the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

**WHEREAS,** the applicant has submitted a proposed subdivision layout consisting of one sheet, prepared by Johnsons Land Surveying dated November 16, 2006 and last revised on June 15, 2007; and

**WHEREAS,** the applicant is seeking subdivision approval for the subdivision plat, which would not create any new lots nor result in any additional disturbances beyond that previously reviewed for this application;

**WHEREAS,** the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the approval of the lot line change.

**WHEREAS,** the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of the subdivision.

**NOW, THEREFORE,** be it resolved as follows:

1. The Planning Board is lead agency for an coordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	Aye	Nay	Abstain	Absent
Member, Howard Brown	Aye	Nay	Abstain	Absent
Member, Neil Schlesinger	Aye	Nay	Abstain	Absent
Member, Henry Vanleeuwen	Aye	Nay	Abstain	Absent
Chairman, Genaro Argenio	Aye	Nay	Abstain	Absent
- - -				
Alternate, Henry Schieble	Aye	Nay	Abstain	Absent

Dated: April 23, 2008  
New Windsor, New York

\_\_\_\_\_  
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this \_\_\_\_\_ day of July, 2008.

\_\_\_\_\_  
Deborah Green  
Town Clerk

**TOWN OF NEW WINDSOR PLANNING BOARD  
COUNTY OF ORANGE**

**NEGATIVE DECLARATION**

*McQuiston-Froelich Lot Line Change  
PB #07-05  
(S-B-L:24-4-5 & 24-4-6)*

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for an Uncoordinated review of this Unlisted Action.

Name of Project: McQuiston-Froelich Lot Line Change  
Action Type: Unlisted Action; Uncoordinated Review  
Location: Town of New Windsor, County of Orange  
Location: Pine Street and Union Avenue  
Zoning District: R-4  
Tax Map Parcel: 24-4-5 and 24-4-6

**Summary of Action:**

The action involves a request for a lot line change between residential lots for two parcels located in the R-4 District in the Town of New Windsor. The applicant proposes to transfer approximately 4,500 square feet from lot 6 to lot 5, thereby increasing an existing zoning non-conformity on lot 5, but increasing the lot area of lot 5 and bringing it into conformity with adjacent lots. No new construction is proposed.

**Reasons Supporting the Negative Declaration:**

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting the lot line change.

No new lots nor any new development will be created by virtue of this lot line change. The proposed lot line change is considered to comply with all currently existing zoning requirements and municipal plans for the Town of New Windsor, and is consistent with the community character. Neither solid waste generation, energy consumption, nor public service demands would be significant or excessive for the realigned lots within this resubdivision. No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: April 23, 2008  
Agency Address: Town of New Windsor Planning Board  
Town Hall – 555 Union Avenue  
New Windsor, New York 12553  
Tel. (845) 563-4615  
Contact Person: Genaro Argenio, Planning Board Chairman

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 07/22/2008

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 7-5

NAME: MCQUISTON / FROELICH LL CHG PA2006-1187

APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/06/2007	REC. CK. #1463	PAID		200.00	
02/28/2007	P.B. ATTY. (CORDISCO)	CHG	670.00		
02/28/2007	P.B. MINUTES	CHG	28.00		
04/23/2008	P.B. MINUTES	CHG	63.00		
07/17/2008	P.B. ENGINEER	CHG	723.50		
		TOTAL:	1484.50	200.00	1284.50

**RESOLUTION GRANTING APPROVAL  
FOR A LOT LINE CHANGE**

*McQuiston-Froelich Lot Line Change  
PB #07-05  
(S-B-L:24-4-5 & 24-4-6)*

**WHEREAS**, an application was made to the Planning Board of the Town of New Windsor for approval of a lot line change by John McQuiston (the "applicant") for a project described as the "McQuiston-Froelich lot line change"; and

**WHEREAS**, the subject sites consist of a total of 26,679 square feet of land, 17,679 and 9,000 square feet respectively, located on the South side of Union Avenue and the West side of Pine Street and comprised of two tax map parcels in the Town of New Windsor identified on the tax map as section 24, block 4, and lots 5 & 6 (SBL 24-4-5 & 6); and

**WHEREAS**, the action involves a request for a lot line change, which is a minor subdivision approval from the Town of New Windsor; and

**WHEREAS**, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, the Planning Board conducted an uncoordinated SEQRA review for this project; and

**WHEREAS**, during the course of the Planning Board's review of the Applicant's proposed subdivision layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

**WHEREAS**, on April 23, 2008 the Planning Board of the Town of New Windsor waived the public hearing; and

**WHEREAS**, the application and related materials were previously submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded recommending local determination; and

**WHEREAS**, this application required an area variance from the Zoning Board of Appeals, which variance was granted;

**WHEREAS**, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

**WHEREAS**, the applicant has submitted a proposed subdivision layout consisting of one sheet, prepared by Johnsons Land Surveying dated November 16, 2006 and last revised on June 15, 2007; and

**WHEREAS**, the applicant is seeking subdivision approval for the subdivision plat, which would not create any new lots nor result in any additional disturbances beyond that previously reviewed for this application;

**WHEREAS**, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the approval of lot line change.

**NOW, THEREFORE**, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 257 and approves the lot line change and hereby grants preliminary and final subdivision approval subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the subdivision layout to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
4. The applicant shall either revise the plat to indicate the details of the ZBA variance or shall provide proof that such details were referenced in the deed conveying title, together with proof that said deed was duly recorded in the Orange County Clerk's Office;
5. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a subdivision plat for signature within 360 days of the date of this resolution. The Planning Board hereby grants the two (2) ninety (90)

day extensions as authorized by Town Law § 276(7)(c). This approval will expire on April 17, 2009, and no further extensions can be granted.

Upon motion made by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	Aye	Nay	Abstain	Absent
Member, Howard Brown	Aye	Nay	Abstain	Absent
Member, Neil Schlesinger	Aye	Nay	Abstain	Absent
Member, Henry Vanleeuwen	Aye	Nay	Abstain	Absent
Chairman, Genaro Argenio	Aye	Nay	Abstain	Absent
---				
Alternate, Henry Schieble	Aye	Nay	Abstain	Absent

Dated: April 23, 2008  
New Windsor, New York

\_\_\_\_\_  
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this \_\_\_\_\_ day of July, 2008.

\_\_\_\_\_  
Deborah Green  
Town Clerk

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 07/22/2008

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 7-5

NAME: MCQUISTON / FROELICH LL CHG PA2006-1187

APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/21/2008	LL CHG APPROVAL	CHG	150.00		
		TOTAL:	150.00	0.00	150.00

Date	Entry #	Received From/Paid To Explanation	Chf# Rec#	Rcpts	General Diabs	Fees	Bld		Trust Activity		Balance
							Inv#	Acc	Rcpts	Diabs	
12132 TOWN OF NEW WINDSOR											
6085909 MCQUISTON & FROELICH LOT LINE CHANGE PB# 07-0 Resp Lawyer: JFL											
Feb 11/2007	51872	Lawyer: DRC 0.30 Hrs X 325.00 REVIEW APPLICATION MATERIALS PB# 07-05				97.50	2884				
Feb 11/2007	51873	Lawyer: DRC 0.10 Hrs X 325.00 REVIEW M EDSALL'S COMMENTS PB# 07-05				32.50	2884				
Feb 28/2007	55428	Lawyer: DRC 0.20 Hrs X 250.00 ATTEND PLANNING BOARD MEETING PB# 07-05				50.00	2884				
Mar 8/2007	56960	Billing on Invoice 2884 FEES 180.00				0.00	2884				
Mar 23/2007	60078	Town of New Windsor PMT - PAYMENT ON ACCOUNT	025719	180.00							
Apr 11/2008	136950	Lawyer: DRC 0.20 Hrs X 350.00 REVIEW REVISED PLANS PB# 07-05				70.00	7487				
Apr 14/2008	137419	Lawyer: DRC 0.10 Hrs X 350.00 REVIEW M EDSALL'S COMMENTS PB# 07-05				35.00	7487				
Apr 23/2008	141549	Lawyer: DRC 0.30 Hrs X 350.00 ATTEND MEETING PB# 07-05				105.00	7487				
Apr 27/2008	141508	Lawyer: DRC 0.50 Hrs X 350.00 PREPARE RESOLUTION ADOPTING A NEG DEC; THE NEG DEC; AND THE RESOLUTION GRANTING APPROVAL				175.00	7487				
May 3/2008	142757	Lawyer: DRC 0.30 Hrs X 350.00 REVIEW REVISED DRAFT RESOLUTIONS AND NEG DEC PB# 07-05				105.00	7842				
May 19/2008	145469	Billing on Invoice 7487 FEES 385.00				0.00	7487				
May 30/2008	150148	TOWN OF NEW WINDSOR PMT - PAYMENT ON ACCOUNT	013629	385.00							
Jun 9/2008	151572	Billing on Invoice 7842 FEES 105.00				0.00	7842				
Jun 20/2008	154952	TOWN OF NEW WINDSOR PMT - PAYMENT ON ACCOUNT	013801	105.00							

TOTALS PERIOD	UNBILLED			= TOTAL	DISBS	BILLED			- RECEIPTS	BALANCES		TRUST
	CHE	+ RECOV	+ FEES			+ TAX	+ FEES	+ TAX		= A/R	TRUST	
	0.00	0.00	0.00	0.00	0.00	670.00	0.00	670.00	0.00	0.00	0.00	

REPORT SELECTIONS - Client Ledger

Layout Template Default  
 Requested by Rose Thoma  
 Finished Monday, July 21, 2008 at 09:16:54 AM  
 Ver 8.20c  
 Matters 6085909  
 Clients All  
 Major Clients All  
 Client Intro Lawyer All  
 Matter Intro Lawyer All  
 Responsible Lawyer All  
 Assigned Lawyer All  
 Type of Law All  
 Select From Active, Inactive Matters  
 Matters Sort by Default  
 New Page for Each Lawyer No  
 New Page for Each Matter No  
 No Activity Date Dec 31/2199  
 Firm Totals Only No  
 Totals Only No  
 Entries Shown - Billed Only No  
 Entries Shown - Disbursements Yes  
 Entries Shown - Receipts Yes  
 Entries Shown - Time or Fees Yes  
 Entries Shown - Trust Yes  
 Incl. Matters with Retainer Bal No  
 Incl. Matters with Neg Unbld Disb No  
 Trust Account All  
 Working Lawyer All  
 Include Corrected Entries No  
 Show Check # on Paid Payables No  
 Show Client Address No  
 Consolidate Payments No  
 Show Trust Summary by Account No  
 Printed from Register

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 7- 5

FOR ALL WORK ON FILE:

										-----DOLLARS-----			
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EKP.	BILLED	BALANCE	
7-5	305777	01/03/07	TIME	MJE	WS	McQUINTON L/L	119.00	0.40	47.60				
7-5	309592	02/09/07	TIME	MJE	MR	McQUISTON-FROKLICH	119.00	0.40	47.60				
7-5	311689	02/26/07	TIME	MJE	PM	McQUISTON W/GA	119.00	0.20	23.80				
7-5	310753	02/28/07	TIME	MJE	MM	McQuiston >> ZBA	119.00	0.10	11.90				
7-5	311696	02/28/07	TIME	MJE	MM	McQUISTON	119.00	0.40	47.60				
7-5	311921	03/07/07	TIME	MJE	MC	McQUISTON L/L ZBA	119.00	0.40	47.60				
7-5	311922	03/07/07	TIME	MJE	MC	McQUISTON L/L OCPD	119.00	0.40	47.60				
									273.70				
7-5	312332	03/15/07				BILL 07-844						-273.70	
											-273.70		
7-5	387767					PD/CR 07-844 PD 03/28/07		273.70					
7-5	315974	04/11/07	TIME	MJE	MC	McQUISTON RVW/MEMO	119.00	0.70	83.30				
									83.30				
7-5	320212	05/23/07				BILL 07-1353						-83.30	
											-83.30		
7-5	388549					PD/CR 07-1353 PD 06/11/07		83.30					
7-5	328196	07/25/07	TIME	MJE	MC	McQUISTON ZBA REF	119.00	0.70	83.30				
7-5	330423	08/14/07	TIME	MJE	PM	MTG/FB OFF:McQUISTON	119.00	0.20	23.80				
7-5	330425	08/15/07	TIME	MJE	MC	JEN:McQUISTION ZBA	119.00	0.20	23.80				
									130.90				
7-5	329897	08/15/07				BILL 07-2170						-83.30	
											-83.30		
7-5	389342					PD/CR 07-2170 PD 08/27/07		83.30					
7-5	334429	09/27/07				BILL 07-2516						-47.60	
											-47.60		
7-5	389834					PD/CR 07-2516 PD 10/11/07		47.60					
7-5	361023	04/14/08	TIME	MJE	MR	McQUISTON LL	124.00	0.40	49.60				
7-5	361028	04/14/08	TIME	MJE	MC	EMC MM:OCPD	124.00	0.20	24.80				
7-5	361047	04/16/08	TIME	MJE	MC	McQUISTON FINALIZE	124.00	0.20	24.80				
7-5	362192	04/17/08	TIME	MJE	MC	DISC McQUISTON W/GA	124.00	0.20	24.80				
7-5	362637	04/23/08	TIME	JRS	MM	McQUISTON LL CBGE	124.00	0.50	62.00				
7-5	365802	05/13/08	TIME	MJE	AA	McQUISTON OCPD REF	124.00	0.40	49.60				
									235.60				
7-5	368792	06/04/08				BILL 08-1394						-235.60	
											-235.60		
7-5	392658					PD/CR 08-1394 PD 06/19/08		235.60					
									723.50				
TASK TOTAL										723.50	0.00	-723.50	0.00
GRAND TOTAL										723.50	0.00	-723.50	0.00

07-05

# QUITCLAIM DEED (INDIVIDUAL OR CORPORATION)

STANDARD NYBTU FORM 8009

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 19<sup>th</sup> day of May, 2008,

BETWEEN            **JOHN McQUISTON**, residing at:  
224 Pine Street, New Windsor, New York 12553

party of the first part, and

**JOHN McQUISTON**, residing at:  
224 Pine Street, New Windsor, New York 12553

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of **TEN (\$10.00) DOLLARS**, lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, being more particularly described on Schedule A annexed hereto and made a part hereof.

**BEING COMMONLY KNOWN** as a 224 Pine Street, New Windsor, New York 12553 and being further identified on the Tax Maps of the Town of New Windsor of Section 24, Block 4, Lot 6.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

## SCHEDULE "A"

## PARCEL I

ALL that certain plot, piece or parcel of land, with the buildings and improvements erected thereon, situate, lying and being in the Town of New Windsor, County of Orange, and State of New York being further bounded and described as follows:

BEGINNING at an iron pipe found on the westerly side of Pine Street, said pipe being the southwesterly most corner of the lands reputedly of Lord and also being South 17 degrees 30 minutes 00 seconds West a distance of 179.89 feet from an iron pipe found;

THENCE from said point or place of beginning and along the westerly side of said Pine Street, South 17 degrees 30 minutes 00 seconds West a distance of 90.00 feet;

THENCE along the lands reputedly of Rayford, North 72 degrees 30 minutes 00 seconds West a distance of 139.30 feet;

THENCE along the lands reputedly of White and Muoia, North 7 degrees 23 minutes 19 seconds East, a distance of 670.95 feet;

THENCE along the lands reputedly of Ferraiolo, North 17 degrees 30 minutes 00 seconds East a distance of 30.00 feet to an iron pin found;

THENCE along the lands reputedly of said Lord, South 72 degrees 30 minutes 00 seconds East a distance of 150.00 feet to the point or place of BEGINNING.

## PARCEL II: -

All that certain lot or parcel of land, situated, lying and being in the Town of New Windsor, County of Orange, State of New York, and being known and designated on a certain map entitled "East Windsor Park" located in the Town of New Windsor, Orange County, New York (lands of New Windsor Land Co., Inc.)" and filed in the Office of the Clerk of the County of Orange, March 29, 1941, which land is more particularly described as follows:

BEGINNING at a point in the westerly line of Pine Street, the said point being a distance of 150 feet measured along said line from the southerly line of Union Avenue, the said point of beginning being the northeasterly corner of Lot No. 22 as shown on a map titled "East Windsor Park" heretofore referred to and runs thence from said point of beginning along the northerly line of said Lot No. 22 North 72 degrees 30 minutes West 150 feet to the northeasterly corner of Lot No. 21, thence along the easterly line of Lot No. 21, South 17 degrees 30 minutes West 30 feet to a point, thence midway along said Lot No. 22 South 72 degrees 30 minutes East 150 feet to a point in the westerly line of Pine Street, thence along said line North 17 degrees 30 minutes East 30 feet to the point or place of beginning. The said parcel as hereby described being the northerly portion of said Lot No. 22.

Property further described pursuant to survey by Johnson land surveying as follows:

**JOHNSONS LAND SURVEYING**

P.O. BOX 1278  
PINE BUSH, NEW YORK 12566  
845-744-6285  
FAX 845-524-4014

**DESCRIPTION:**  
**McQuiston Parcel**

All that certain lot piece or parcel of land situate in the Town of New Windsor, the County of Orange and the State of New York, and being more accurately bounded and described as follows:

Beginning at a point on the westerly line of Pine Street, said point being South 17-30-00 West -150.00 feet from the intersection of the westerly line of Pine Street and the southerly line of Union Avenue, and runs thence from said point of beginning along the line of Pine Street South 17-30-00 West-120.00 feet to a point; thence along the Lands of Vonhoff North 72-30-00 West - 139.30 feet to a point; thence along the Lands of White North 07-23-19 East - 60.95 feet to a point; thence along the Lands of Elsevyf North 17-30-00 East - 60.00 feet to a point; thence along a tier of lots facing Union Avenue South 72-30-00 East - 150.00 feet to the point and place of beginning.

The above described parcel is subject to any and all easements or Rights of Way of Record.

The above described parcel is subject to Planning Board approval and filing of maps in The Orange County Clerks Office.

Ernest Johnson P.L.S

May 2008

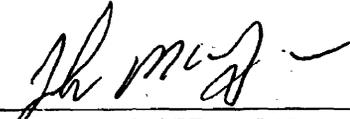
Said property known being the subject of a lot line change approved by the Town of New Windsor Planning Board on April 23, 2008 and variances granted by the Town of New Windsor, Zoning Board on November 5, 2007 as follows:.

McQuiston/Froelich (07-46) as referred by planning board regarding properties in an R-4 zone (24-4-5 & 6)

	Required	Proposed Lot 5 / Lot 6	Variance Requested Lot 5 / Lot 6
Min Lot Area (Gross)	43,560 sf	9000 / 17679	34560 / 25881
Min Lot Width	125 ft	150 / 120	- / 5
Required front yard	45 ft	11&36 / 25	34&9 / 20

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

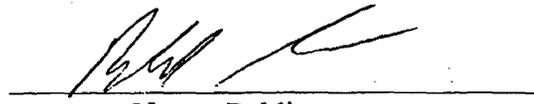
IN PRESENCE OF:

  
\_\_\_\_\_  
JOHN McQUISTON

STATE OF NEW YORK, COUNTY OF ORANGE, ss:

On the 19<sup>th</sup> day of May, 2008, before me, the undersigned, personally appeared JOHN McQUISTON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that she executed the same in her capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

RICHARD SCHISANO  
Notary Public, State of New York  
Qualified in Orange County  
Reg. # 4709072  
Commission Expires March 30, 2011

  
\_\_\_\_\_  
Notary Public

Record & Return to:

Richard Schisano, Esq.  
3250 Route 9W  
New Windsor, New York 12553



# Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Recording office time stamp

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Please print or type.

**Schedule A — Information relating to conveyance**

Grantor/Transferor <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Name (if individual; last, first, middle initial) <b>McQUISTON, JOHN</b> Mailing address <b>224 PINE STREET</b> City State ZIP code <b>NEW WINDSOR NEW YORK 12553</b>	Social security number <b>111-52-8921</b> Social security number Federal employer ident. number
Grantee/Transferee <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Name (if individual; last, first, middle initial) <b>McQUISTON, JOHN</b> Mailing address <b>224 PINE STREET</b> City State ZIP code <b>NEW WINDSOR NEW YORK 12553</b>	Social security number <b>111-52-8921</b> Social security number Federal employer ident. number

Location and description of property conveyed

Tax map designation			Address	City/village	Town	County
Section	Block	Lot				
24	4	6	224 PINE STREET		NEW WINDSOR	ORANGE

Type of property conveyed (check applicable box)

1 <input checked="" type="checkbox"/> One- to three-family house 2 <input type="checkbox"/> Residential cooperative 3 <input type="checkbox"/> Residential condominium 4 <input type="checkbox"/> Vacant land	5 <input type="checkbox"/> Commercial/Industrial 6 <input type="checkbox"/> Apartment building 7 <input type="checkbox"/> Office building 8 <input type="checkbox"/> Other _____	Date of conveyance <div style="border: 1px solid black; padding: 2px; display: inline-block;">                     _____ 2008                      month      day      year                 </div>	Percentage of real property conveyed which is residential real property <u>100.00</u> % <i>(see instructions)</i>
--	---	---	--

Condition of conveyance (check all that apply)

- |  |  |  |
|--|--|--|
| a. <input type="checkbox"/> Conveyance of fee interest<br>b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____ %)<br>c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____ %)<br>d. <input type="checkbox"/> Conveyance to cooperative housing corporation<br>e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E) | f. <input type="checkbox"/> Conveyance which consists of a mere change of identify or form of ownership or organization (attach Form TP-584.1, Schedule F)<br>g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)<br>h. <input type="checkbox"/> Conveyance of cooperative apartment(s)<br>i. <input type="checkbox"/> Syndication<br>j. <input type="checkbox"/> Conveyance of air rights or development rights<br>k. <input type="checkbox"/> Contract assignment | l. <input type="checkbox"/> Option assignment or surrender<br>m. <input type="checkbox"/> Leasehold assignment or surrender<br>n. <input type="checkbox"/> Leasehold grant<br>o. <input type="checkbox"/> Conveyance of an easement<br>p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)<br>q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state<br>r. <input checked="" type="checkbox"/> Other (describe) <b>Corr deed no consid</b> |
|--|--|--|

For recording officer's use	Amount received Schedule B., Part I \$ _____ Schedule B., Part II \$ _____	Date received	Transaction number
-----------------------------	--	---------------	--------------------

**Schedule B — Real estate transfer tax return (Tax Law, Article 31)**

**Part I — Computation of tax due**

1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) ..... <input type="checkbox"/> <b>Exemption claimed</b>	1.	0
2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....	2.	0
3 Taxable consideration (subtract line 2 from line 1) .....	3.	0
4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....	4.	0
5 Amount of credit claimed (see instructions and attach Form TP-584.1, Schedule G) .....	5.	0
6 Total tax due* (subtract line 5 from line 4) .....	6.	0

**Part II — Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

1 Enter amount of consideration for conveyance (from Part I, line 1) .....	1.	0
2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...	2.	0
3 Total additional transfer tax due* (multiply line 2 by 1% (.01)) .....	3.	0

**Part III — Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada)..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying really as bona fide gifts..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim)..... k
- l. Other (attach explanation)..... l

\*Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in New York City, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule C — Credit Line Mortgage Certificate (Tax Law, Article 11)**

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)

- 1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
- 2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

**Please note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

Other (attach detailed explanation).

- 3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
- 4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City, make check payable to the **NYC Department of Finance**.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

 _____ Grantor signature	<b>GRANTOR</b> _____ Title	 _____ Grantee signature	<b>GRANTEE</b> _____ Title
_____ Grantor signature	_____ Title	_____ Grantee signature	_____ Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in New York City, to the **NYC Department of Finance**? If no recording is required, send your check(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)**

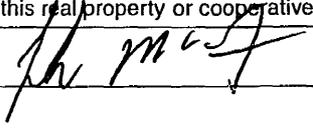
Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, **each** resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature 	Print full name JOHN McQUISTON	Date 5-19-08
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date to \_\_\_\_\_ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date



**SALE INFORMATION**

11. Sale Contract Date

none / /  
Month Day Year

12. Date of Sale / Transfer

05 / / 2008  
Month Day Year

13. Full Sale Price

zero . 0 0  
/ /

(Full Sale Price is the total amount paid for the property including personal property. This payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount.

14. Indicate the value of personal property included in the sale

zero . 0 0  
/ /

15. Check one or more of these conditions as applicable to transfer:

- A  Sale Between Relatives or Former Relatives
- B  Sale Between Related Companies or Partners in Business
- C  One of the Buyers is also a Seller
- D  Buyer or Seller is Government Agency or Lending Institution
- E  Deed Type **not** Warranty or Bargain and Sale (Specify Below)
- F  Sale of Fractional or Less than Fee Interest (Specify Below)
- G  Significant Change in Property Between Taxable Status and Sale Dates
- H  Sale of Business is Included in Sale Price
- I  Other Unusual Factors Affecting Sale Price (Specify Below)
- J  None

to confirm legal description after lot line change

**ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill**

16. Year of Assessment Roll from which information taken

0 5

17. Total Assessed Value (of all parcels in transfer)

30,000

18. Property Class

2 1 0 -

19. School District Name

Newburgh Enlarged

20. Tax Map Identifier(s) / Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))

24-4-6

**CERTIFICATION**

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein will subject me to the provisions of the penal law relative to the making and filing of false instruments.

**BUYER**

**BUYER'S ATTORNEY**

*[Handwritten Signature]*

5-19-08

BUYER SIGNATURE

DATE

Schisano

Richard

LAST NAME

FIRST NAME

224

Pine Street

STREET NUMBER

STREET NAME (AFTER SALE)

845

562-9020

AREA CODE

TELEPHONE NUMBER

New Windsor

NY

12553

CITY OR TOWN

STATE

ZIP CODE

**SELLER**

*[Handwritten Signature]*

5-19-08

SELLER SIGNATURE

DATE

NEW YORK STATE

COPY

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:  
NAME(S) OF PARTY(S) TO DOCUMENT

MARY ALICE FROEHLICH & ERNEST  
WILLIAM FROEHLICH

TO  
JOHN McQUISTON

SECTION 24 BLOCK 4 LOT PART OF 5

RECORD AND RETURN TO:



*Silver, Forrester, Schisano, Lesser & Dreyer*  
*3250 Route 9W*  
*New Windsor, New York 12553*

*R/S*

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED  MORTGAGE  SATISFACTION  ASSIGNMENT  OTHER

**PROPERTY LOCATION**

2089 BLOOMING GROVE (TN)	4289 MONTGOMERY (TN)	NO PAGES _____	CROSS REF. _____
2001 WASHINGTONVILLE (VLG)	4201 MAYBROOK (VLG)	CERT. COPY _____	ADD'L X-REF. _____
2289 CHESTER (TN)	4203 MONTGOMERY (VLG)	MAP# _____	PGS. _____
2201 CHESTER (VLG)	4205 WALDEN (VLG)	PAYMENT TYPE: CHECK _____	
2489 CORNWALL (TN)	4489 MOUNT HOPE (TN)	CASH _____	
2401 CORNWALL (VLG)	4401 OTISVILLE (VLG)	CHARGE _____	
2600 CRAWFORD (TN)	4600 NEWBURGH (TN)	NO FEE _____	
2800 DEERPARK (TN)	4800 NEW WINDSOR (TN)	Taxable	
3089 GOSHEN (TN)	5089 TUXEDO (TN)	CONSIDERATION \$ _____	
3001 GOSHEN (VLG)	5001 TUXEDO PARK (VLG)	TAX EXEMPT _____	
3003 FLORIDA (VLG)	5200 WALLKILL (TN)	Taxable	
3005 CHESTER (VLG)	5489 WARWICK (TN)	MORTGAGE AMT. \$ _____	
3200 GREENVILLE (TN)	5401 FLORIDA (VLG)	<b>MORTGAGE TAX TYPE:</b>	
3489 HAMPTONBURGH (TN)	5403 GREENWOOD LAKE (VLG)	___ (A) COMMERCIAL/FULL 1%	
3401 MAYBROOK (VLG)	5405 WARWICK (VLG)	___ (B) 1 OR 2 FAMILY	
3689 HIGHLANDS (TN)	5600 WAWAYANDA (TN)	___ (C) UNDER \$10,000	
3601 HIGHLAND FALLS (VLG)	5889 WOODBURY (TN)	___ (E) EXEMPT	
3889 MINISINK (TN)	5801 HARRIMAN (VLG)	___ (F) 3 TO 6 UNITS	
3801 UNIONVILLE (VLG)		___ (I) NAT.PERSON/CR. UNION	
4089 MONROE (TN)		___ (J) NAT.PER-CR.UN/1 OR 2	
4001 MONROE (VLG)	<b>CITIES</b>	___ (K) CONDO	
4003 HARRIMAN (VLG)	0900 MIDDLETOWN		
4005 KIRYAS JOEL (VLG)	1100 NEWBURGH		
	1300 PORT JERVIS		
	9999 HOLD		

*Donna L. Benson*

DONNA L. BENSON  
ORANGE COUNTY CLERK

RECEIVED FROM: \_\_\_\_\_

# QUITCLAIM DEED (INDIVIDUAL OR CORPORATION)

STANDARD NYBTU FORM 8009

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 19<sup>th</sup> day of May, 2008,

**BETWEEN**                    **MARY ALICE FROEHLICH and ERNEST WILLIAM FROEHLICH**, residing at:  
275 Union Avenue, New Windsor, New York 12553

party of the first part, and

**JOHN McQUISTON**, residing at:  
224 Pine Street, New Windsor, New York 12553

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of **TEN (\$10.00) DOLLARS**, lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, being more particularly described on Schedule A annexed hereto and made a part hereof.

**BEING COMMONLY KNOWN** as a 275 Union Avenue, New Windsor, New York 12553 and being further identified on the Tax Maps of the Town of New Windsor as a **portion** of Section 24, Block 4, Lot 5.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

**PARCEL II:**

All that certain lot or parcel of land, situated, lying and being in the Town of New Windsor, County of Orange, State of New York, and being known and designated on a certain map entitled "East Windsor Park" located in the Town of New Windsor, Orange County, New York (lands of New Windsor Land Co., Inc.) and filed in the Office of the Clerk of the County of Orange, March 29, 1941, which land is more particularly described as follows:

BEGINNING at a point in the westerly line of Pine Street, the said point being a distance of 150 feet measured along said line from the southerly line of Union Avenue, the said point of beginning being the northeasterly corner of Lot No. 22 as shown on a map titled "East Windsor Park" heretofore referred to and runs thence from said point of beginning along the northerly line of said Lot No. 22 North 72 degrees 30 minutes West 150 feet to the northeasterly corner of Lot No. 21, thence along the easterly line of Lot No. 21, South 17 degrees 30 minutes West 30 feet to a point, thence midway along said Lot No. 22 South 72 degrees 30 minutes East 150 feet to a point in the westerly line of Pine Street, thence along said line North 17 degrees 30 minutes East 30 feet to the point or place of beginning. The said parcel as hereby described being the northerly portion of said Lot No. 22.

further described as follows:

**JOHNSONS LAND SURVEYING**

P.O. BOX 1278

PINE BUSH, NEW YORK 12566

845-744-6285

FAX 845-524-4014

**DESCRIPTION:  
30'X 50' PARCEL**

All that certain lot piece or parcel of land situate in the Town of New Windsor, the County of Orange and the State of New York, and being more accurately bounded and described as follows:

Beginning at a point on the westerly line of Pine Street, said point being South 17-30-00 West -150.00 feet from the intersection of the westerly line of Pine Street and the southerly line of Union Avenue, and runs thence from said point of beginning along the line of Pine Street South 17-30-00 West-30.00 feet to a point, thence through the lands of McQuiston North 72-30-00 West-150.00 feet to a point, thence along the lands of Elsevyf North 17-30-00 East-30.00 feet to a point, thence along a tier of lots facing Union Avenue South 72-30-00 East -150.00 feet to the point and place of beginning.

The above described parcel is subject to any and all easements or Rights of Way of Record.

The above described parcel is subject to Planning Board approval and filing of maps in The Orange County Clerks Office.

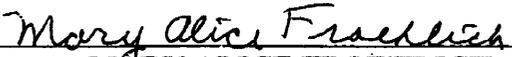
Ernest Johnson P.L.S

May 2008

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

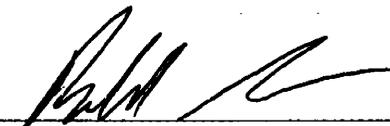
  
MARY ALICE FROEHLICH

  
ERNEST WILLIAM FROEHLICH

STATE OF NEW YORK, COUNTY OF ORANGE, ss:

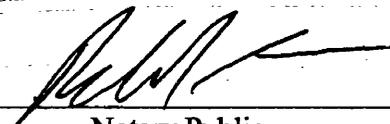
On the 19<sup>th</sup> day of May, 2008, before me, the undersigned, personally appeared **ERNEST WILLIAM FROEHLICH**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that she executed the same in her capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

RICHARD SCHISANO  
Notary Public, State of New York  
Qualified in Orange County  
Reg. # 4709072  
Commission Expires March 30, 2011

  
Notary Public

STATE OF NEW YORK, COUNTY OF ORANGE, ss:

On the 19<sup>th</sup> day of May, 2008, before me, the undersigned, personally appeared **MARY ALICE FROEHLICH**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that she executed the same in her capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Notary Public

Record & Return to:

Richard Schisano, Esq.  
3250 Route 9W  
New Windsor, New York 12553

RICHARD SCHISANO  
Notary Public, State of New York  
Qualified in Orange County  
Reg. # 4709072  
Commission Expires March 30, 2011



**Combined Real Estate  
Transfer Tax Return,  
Credit Line Mortgage Certificate, and  
Certification of Exemption from the  
Payment of Estimated Personal Income Tax**

Recording office time stamp

See Form TP-584-1, Instructions for Form TP-584, before completing this form. Please print or type.

**Schedule A — Information relating to conveyance**

Grantor/Transferor <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Name (if individual; last, first, middle initial)	FROELICH, ERNEST WILLIAM & MARY ALICE		Social security number	069-42-8109
	Mailing address	275 UNION AVENUE		Social security number	075-38-0842
	City	State	ZIP code	Federal employer ident. number	
	NEW WINDSOR	NEW YORK	12553		
Grantee/Transferee <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Name (if individual; last, first, middle initial)	McQUISTON, JOHN		Social security number	111-52-8921
	Mailing address	224 PINE STREET		Social security number	
	City	State	ZIP code	Federal employer ident. number	
	NEW WINDSOR	NEW YORK	12553		

Location and description of property conveyed

Tax map designation			Address	City/village	Town	County
Section	Block	Lot				
24	4	PART OF 5	275 UNION AVENUE		NEW WINDSOR	ORANGE

Type of property conveyed (check applicable box)

1 <input checked="" type="checkbox"/> One- to three-family house	5 <input type="checkbox"/> Commercial/Industrial	Date of conveyance <table border="1"><tr><td></td><td></td><td>2008</td></tr><tr><td>month</td><td>day</td><td>year</td></tr></table>			2008	month	day	year	Percentage of real property conveyed which is residential real property <u>100.00</u> % <i>(see instructions)</i>
			2008						
month	day		year						
2 <input type="checkbox"/> Residential cooperative	6 <input type="checkbox"/> Apartment building								
3 <input type="checkbox"/> Residential condominium	7 <input type="checkbox"/> Office building								
4 <input type="checkbox"/> Vacant land	8 <input type="checkbox"/> Other _____								

Condition of conveyance (check all that apply)

- |   |  |  |
|---|--|--|
| a. <input checked="" type="checkbox"/> Conveyance of fee interest   | f. <input type="checkbox"/> Conveyance which consists of a mere change of identify or form of ownership or organization (attach Form TP-584.1, Schedule F) | i. <input type="checkbox"/> Option assignment or surrender   |
| b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____%)  | g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)                         | m. <input type="checkbox"/> Leasehold assignment or surrender  |
| c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____%)  | h. <input type="checkbox"/> Conveyance of cooperative apartment(s)   | n. <input type="checkbox"/> Leasehold grant  |
| d. <input type="checkbox"/> Conveyance to cooperative housing corporation   | i. <input type="checkbox"/> Syndication  | o. <input type="checkbox"/> Conveyance of an easement  |
| e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E) | j. <input type="checkbox"/> Conveyance of air rights or development rights   | p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III) |
|   | k. <input type="checkbox"/> Contract assignment  | q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state                        |
|   |  | r. <input type="checkbox"/> Other (describe) _____   |

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B., Part I \$ _____ Schedule B., Part II \$ _____		

**Schedule B — Real estate transfer tax return (Tax Law, Article 31)**

**Part I — Computation of tax due**

1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) <input type="checkbox"/> <b>Exemption claimed</b> .....	1.	0
2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....	2.	0
3 Taxable consideration (subtract line 2 from line 1) .....	3.	0
4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....	4.	0
5 Amount of credit claimed (see instructions and attach Form TP-584.1, Schedule G) .....	5.	0
6 Total tax due* (subtract line 5 from line 4) .....	6.	0

**Part II — Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

1 Enter amount of consideration for conveyance (from Part I, line 1) .....	1.	0
2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...	2.	0
3 Total additional transfer tax due* (multiply line 2 by 1% (.01)) .....	3.	0

**Part III — Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada)..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim)..... k
- l. Other (attach explanation)..... l

\*Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in New York City, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule C — Credit Line Mortgage Certificate (Tax Law, Article 11)**

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)

1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

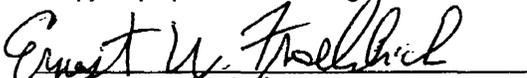
**Please note:** for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

Other (attach detailed explanation).

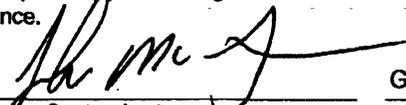
3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City, make check payable to the NYC Department of Finance.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

  
 \_\_\_\_\_  
 Grantor signature

GRANTOR  
 \_\_\_\_\_  
 Title

  
 \_\_\_\_\_  
 Grantee signature

GRANTEE  
 \_\_\_\_\_  
 Title

  
 \_\_\_\_\_  
 Grantor signature

GRANTOR  
 \_\_\_\_\_  
 Title

Grantee signature

Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in New York City, to the NYC Department of Finance? If no recording is required, send your check(s), made payable to the Department of Taxation and Finance, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)**

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature <i>Mary Alice Froehlich</i>	Print full name MARY ALICE FROEHLICH	Date 5/19/08
Signature <i>Ernest W. Froehlich</i>	Print full name ERNEST WILLIAM FROEHLICH	Date 5/19/08
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

**Exemption for nonresident transferor(s)/seller(s)**

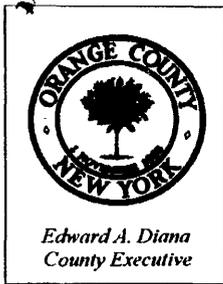
This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date \_\_\_\_\_ to \_\_\_\_\_ Date \_\_\_\_\_ (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date







## ORANGE COUNTY DEPARTMENT OF PLANNING

**DAVID CHURCH, AICP**  
COMMISSIONER

[www.orangecountygov.com/planning](http://www.orangecountygov.com/planning)  
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GOSHEN, NEW YORK 10924-2124  
TEL: (845) 615-3840  
FAX: (845) 291-2533

### **County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n**

**Local Referring Board:** Town of New Windsor Planning Board   **Referral ID #:** NWT13-08N  
**Applicant:** John McQuiston   **Tax Map #:** S: 24 B: 4 L: 5 & 6  
**Project Name:** McQuiston-Froelich Lot Line Change   **Local File #:** 07-05  
**Proposed Action:** Lot Line Change  
**Reason for County Review:** Within 500 Feet of Orange County Route 69  
**Date of Full Statement:** May 15, 2008

#### **Comments:**

The Department has received the above referenced lot line change and has found no evidence that significant intermunicipal or countywide impacts would result from its approval.

**County Recommendation: Local Determination**

**Date:** May 21, 2008  
**Prepared by:** Todd Cohen



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**David Church, AICP**  
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).



## REPORT OF FINAL LOCAL ACTION

**To: Orange County Department of Planning  
124 Main Street  
Goshen, NY 10924**

**From:**

**Date:**

**Subject: GML 239 Referral ID# NWT13-08N  
Name of project: McQuiston-Froelich Lot Line Change**

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

\_\_\_\_\_ Our local board **approved** this action on \_\_\_\_\_.

\_\_\_\_\_ Our local board **approved** this action **with modifications** on \_\_\_\_\_.  
Briefly, the modifications consisted of:

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\_\_\_\_\_ Our local board **disapproved** this action on \_\_\_\_\_.  
Briefly, the reasons for disapproving this action were:

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\_\_\_\_\_ The proposal was **withdrawn**.

Additional space for comments on actions:

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**Orange County Department of Planning**  
Application for Mandatory County Review of Local Planning Action  
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

MUNICIPALITY: T/New Windsor

TAX MAP ID: 24-4-5 & 6  
(Section-Block-Lot)

Local File #: 07-05  
Please refer to this number in any correspondence.

Project Name: McQuiston-Froelich Lot Line Change

Applicant: John McQuiston  
Address: 224 Pine Street, New Windsor NY 12553

Send Copy of Letter to Applicant: (check one)  
Yes  No

Attorney, Engineer, Architect: Ernest Johnson, LS

Location of Site: Pine Street (just south of Union Avenue)  
(Street, highway, nearest intersection)

Size of Parcel: 17,679sf/9000sf Existing Lots: 2 Proposed Lots/Units: 2  
(proposed)

Present Zoning District: R-4

**TYPE OF REVIEW:**

- Site Plan (SP): \_\_\_\_\_
- Special Use Permit\* (SUP) \_\_\_\_\_
- Variance\* USE (UV): \_\_\_\_\_  
AREA (AV): \_\_\_\_\_
- Zoning District Change\* From: \_\_\_\_\_ To: \_\_\_\_\_
- Zoning Amendment To Section: \_\_\_\_\_
- Subdivision: Major \_\_\_\_\_ Minor in form of Lot Line Change  
 Sketch  Preliminary  Final (Please indicate stage)
- Other Comments: Referral previously made to ZBA. Variances Obtained

Date: 5-13-08

Mark J. Edsall, P.E. Mark J. Edsall, P.E., P.P.  
Signature  Engineer for the Planning Board

\* Cite Section of Zoning Regulations where pertinent.

**FOR COUNTY USE ONLY**

County ID# \_\_\_\_\_

GML 239 Referral Guide – 02/27/2007

Sandy:

Find attached the project as it appeared on the agenda for November 11, 2007. That shows exactly what variances were requested and approved. As you can see there is a column for what areas are required by today's zoning; the next column shows what is actually there or (Proposed) the numbers in front of the slash are for Lot 5 and the numbers behind the slash are for Lot 6; then there is the column for what variances were requested (how much each lot is short of area).

I also attached below the portion of the zoning board minutes where it was discussed and approved for your records. (November 5, 2007)

I also attached below the portion of the Planning Board minutes where they discussed putting the numbers in the deeds vs. putting them on the plans because of a problem with Mr. McQuiston's Surveyor. We were trying to work with the applicant to make it doable for him.

If you have any questions, please give me a call (563-4615)

Take care;  
Myra Mason

1. **MC QUISTON/FROELICH (07-46)** As referred by Planning Board (see below) located 224 Pine Street in an R-4 Zone (24-4-5 & 6)

	<b>REQUIRED</b>	<b>PROPOSED</b> Lot 5 / Lot 6	<b>VARIANCE REQUESTED</b> Lot 5 / Lot 6
MIN. LOT AREA (Gross)	43560 sf	9000 / 17679**	34560 / 25881**
MIN. LOT WIDTH	125 ft	150 / 120**	- / 5**
REQUIRED FRONT YARD	45 ft	11&36 / 25	34&9*** / 20***

**PLANNING BOARD MINUTES**

April 23, 2008

17

REGULAR ITEMS:

MC\_QUISTON/FROELICH\_LOT\_LINE\_CHANGE\_(07-05)

Mr. John McQuiston appeared before the board for this proposal.

MR. ARGENIO: This application proposes conveyance of 4,500 square foot of land from lot 5 name of Froelich to lot 6 name of McQuiston. This plan was previously reviewed at the 14 February, 2007 planning board meeting. Sir, can I have your name for the benefit of the stenographer?

MR. MC QUISTON: John McQuiston.

MR. ARGENIO: Mr. McQuiston, can you give us a rundown of what you want to do here so we can have a good idea?

MR. MC QUISTON: Basically, my neighbor gave me a piece of property that I just want to incorporate into my property and just going to be a bigger yard.

MR. ARGENIO: He gave it to you?

MR. MC QUISTON: Gave it to me.

MR. ARGENIO: Nice guy, huh?

MR. MC QUISTON: Absolutely.

MR. ARGENIO: I want to see, I just would like to see the lot lines, could you please point to them on the drawing, the one you're extinguishing.

MR. MC QUISTON: Going to be this one 50 x 150 or 30 x 150.

MR. ARGENIO: I see 30 x 150.

MR. BABCOCK: That's the lot that was tied to the Froelich lot so his lot was a big L.

MR. ARGENIO: Froelich was a big L?

MR. BABCOCK: That's correct, so this is--

MR. ARGENIO: It's an improvement you're squaring things up.

MR. BABCOCK: Oh, absolutely.

MR. VAN LEEUWEN: Which side of the street is that?

MR. MC QUISTON: They're on Union, I'm on the right side of Pine Street.

MR. BABCOCK: On the corner of Union and Pine.

MR. ARGENIO: I want to read this into the minutes. Lot 5 is being made more non-conforming. I still feel it's an improvement though in my opinion but I'm one member here. A ZBA referral was required because of that Mark writes in his comments, it's my understanding that the applicant received the required variances. The date of the ZBA action and variances granted should be listed on the final plan submitted for stamping. Sir, you did get Zoning Board approval?

MR. MC QUISTON: Yes.

MR. BABCOCK: Yes.

MR. ARGENIO: Do you understand the comment when Mark says that your engineer is going to need to, or your surveyor whoever is doing this is going to need to list the date and the variances that were given on the plan for the file for Myra?

MR. MC QUISTON: Okay.

MR. ARGENIO: What I'd like you to do is take a copy of Mark's comments with you and just show your engineer here, who's your engineer, Ernest Johnson, comment number 1 and he'll know exactly what to do, it's not a big deal.

MR. MC QUISTON: Okay.

MR. ARGENIO: It's not a big deal.

MR. MC QUISTON: Yes, it is, this guy's been giving me the runaround for six months.

MR. ARGENIO: Well, get with Myra, find out when they were done and you put them on the plan, how's that grab you?

MR. MC QUISTON: That's fine with me.

MR. ARGENIO: How's that, simple?

MR. MC QUISTON: Fine with me.

MR. ARGENIO: Come up and see Myra, come up and see her.

MR. CORDISCO: They can't.

MR. BABCOCK: What we can do is we can attach this information with his plan and it will be fine.

MR. ARGENIO: So we'll attach the resolution from the ZBA to his plan.

MR. ARGENIO: You need to follow it up though, call Myra, make an appointment, come and see her, she'll dig the stuff out of the file and we'll attach it to this. You guys you should pay your bills maybe he'll call you back.

MR. MC QUISTON: He's paid in full, that's the problem.

MR. ARGENIO: Only kidding with you.

MR. CORDISCO: One possible way of dealing with this has your deed been recorded yet, the deed where he's transferring the property to you?

MR. MC QUISTON: No.

MR. CORDISCO: You could reference this in the deed that would be an easy way of doing it. See the point of putting it on the plan is so someone in the future when they go to the county clerk's office and they're looking at the plans they can see that there was a record of the ZBA.

MR. ARGENIO: What are the mechanics of that Dominic?

MR. CORDISCO: Well, in terms of like drawing it on the plan it's a problem for him to get the surveyor to do it but in terms of just including reference to the fact that there was a ZBA decision in this case in your deed nothing more than that.

MR. ARGENIO: Who records that?

MR. CORDISCO: County Clerk's Office.

MR. ARGENIO: Who does that?

MR. BABCOCK: He could do it but he's going to have to have an attorney prepare that.

MR. CORDISCO: Right, well, someone that's going to have to prepare a deed at this point he hasn't recorded the deed so what I'm suggesting is that that language--

MR. VAN LEEUWEN: He can't record a deed.

MR. CORDISCO: He can buy the property or take, he's not buying he's actually getting it, he could take the property but it just doesn't become part of that lot.

MR. ARGENIO: I think that's a fine idea. He just suggested when the deed is recorded have the variances listed on the deed.

MR. CORDISCO: And if you have any questions give me a call or have your attorney give me a call or whoever's writing the deed.

MR. ARGENIO: Somebody smarter than you and I is going to write that deed probably.

MR. CORDISCO: Not necessarily.

MR. ARGENIO: So have that person contact Dominic. Dominic, could you please give him a card so he knows how to find you?

MR. CORDISCO: Yes.

MR. VAN LEEUWEN: Cause if you ever want to sell your house that would become a problem.

MR. ARGENIO: You're going to need that.

MR. CORDISCO: And it's for the future so they know that the variances were granted because someone from a lender, that's exactly right as Henry mentioned. If anybody sees fit, I'll accept a negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare a negative dec for the McQuiston/Froelich lot

line change. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Now, what I normally do here on this one relative to the public hearing I will poll the board and we'll act on that poll. Neil or Henry, how do you guys feel about a public hearing for this? Remember it's at our discretion.

MR. SCHLESINGER: I don't see the need, nothing's changed except between you and your neighbor, that's it, right.

MR. BABCOCK: It's a property line, nobody out there is even going to see the difference.

MR. ARGENIO: Just asking the question.

MR. SCHLESINGER: Make a motion.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded we waive the public hearing for McQuiston/Froelich.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I have one little problem though, I do have a little problem and I think we can get through it but I want to make sure we get through it properly, Mr. McQuiston, so you don't get jammed up at a later date. I understand Szarowski and Cordisco that this has to go to Orange County Department of Planning which I can't imagine that there would be an issue I assume because it's within 500 feet of Route 32.

MR. CORDISCO: Well, just to be clear, I believe that it did go through the ZBA or it did not, someone's shaking their head, who knows better than--

MS. MASON: Cause it was listed as Pine Street.

MR. ARGENIO: So Mark has a note here that it should go to Orange County Planning. Now, typically this board and maybe we can't do it, I don't know, I'm going to ask the attorney, we typically don't offer approval subject to the County Planning Department, we typically don't do that but if we can lawfully do that I think I would submit to my associates that we should consider it. Can we do that Dominic subject to?

MR. BABCOCK: And the plan wouldn't be stamped until we received that.

MR. CORDISCO: Yes, the plan would not, I think that in this case where it's a very simple lot line change and there's not really a lot of issues for the county to weigh in on technically it has to go to the county, that's not a discretionary action. Once it fits those criteria, it has to go and if it doesn't go, it's not as if it's not as if like it's something that someone can complain about later on, it actually makes the action itself void so it's an important step in the process. They do have a 30 day turnaround time. What the board could do is they could authorize me to prepare the resolutions and we'll have that prepared, hopefully, it will go out and then by the time the 30

days runs the resolutions could be adopted, that's what I suggest. If you want to go one step further you could and assuming that the county comes back with either a local determination or recommending approval you could also authorize the chairman to sign those resolutions. I'm only saying that in this case because it is such a simple and straightforward application.

MR. ARGENIO: And the record should be clear I will say it again that we don't, this isn't very typical for us to do this but as Dominic pointed out it's very simple, very straightforward, it's not our job to jam citizens up and to get them tied up in a bureaucratic mess that they don't need.

MR. SCHLESINGER: What's the basis for this going to Orange County?

MR. ARGENIO: Mark is not here, John is here but I'm pretty confident it's within the threshold of Route 32.

MR. CORDISCO: It's within 500 feet.

MR. VAN LEEUWEN: Union Avenue is a county road.

MR. ARGENIO: I think what trips it is a state road.

MR. CORDISCO: County or state.

MR. ARGENIO: I stand corrected, that's what trips it. So you guys okay with that?

MR. GALLAGHER: Yes.

MR. SCHLESINGER: Yes.

MR. SCHEIBLE: Yes.

MR. VAN LEEUWEN: I've got no problem with it. I'll make a motion we approve.

April 23, 2008

25

MR. ARGENIO: Final approval subject to those conditions and that you can sign it, authorize Neil or myself to sign it once county has weighed in on it.

MR. CORDISCO: Assuming that the county's comments are local determination or approval.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

**ZBA MINUTES**

November 5, 2007

29

MCQUISTON/FROELICH\_(07-46)

---

Mr. John McQuiston appeared before the board for this proposal.

MR. KANE: As referred by Planning Board located at 224 Pine Street. Is anybody here for this particular hearing? Gotta be here for one of them. Kim is gonna come and just to write down your name and address, it's for the stenographer so that she has it in there, okay, and then when we get to the public, you can ask whatever questions you need to. You're on.

MR. MC QUISTON: This is just a basic lot line change adding to my property 30 feet by 150 feet that my neighbor gave me.

MR. BABCOCK: Mr. Chairman, lot 5 is an L-shaped lot, it actually has a leg that goes up behind lot 4 and lot 3, if you look at the location map, that 30 foot strip--

MR. MC QUISTON: That's the property that I'm going to incorporate into mine.

MR. KANE: This 30 foot strip is going to come up here and making this property which is lot 5 similar to the other lots that are right down the row?

MR. BABCOCK: That's correct.

MR. KANE: It's really evening it off, it makes a lot of sense.

MR. BABCOCK: It makes a lot of sense. Should have been done that way a long time ago.

MR. KRIEGER: So both lots are presently improved by one family dwellings?

MR. MC QUISTON: Yes.

MR. KRIEGER: You don't intend to change that?

MR. MC QUISTON: No, just making my yard bigger than what it is.

MR. KANE: Actually making the property more usable too.

MR. BABCOCK: Yes.

MR. KANE: Okay, I think at this point what I'm going to do here is jump right in, open up the public portion of the meeting so that you can ask whatever questions you have and see exactly what they're doing. You can walk up and take a look, that will probably answer all your questions. Just state your name and address.

MS. BIBERSTINE: Dee Biberstine, I'm on Oak Street. It's not big enough the do anything?

MR. KANE: No, it's not. You're not building anything there, just adding it to the property, squares it off.

MR. MC QUISTON: Exactly, just a bigger yard for the kids.

MR. KANE: Ma'am, any problems with this?

MS. BIBERSTINE: No.

MS. GANN: Sir, your name?

MR. GRILLO: My name is Salvatore Grillo.

MR. KANE: Okay, any further questions? Any further questions from the audience? Thank you. We'll close the public portion of the meeting and bring it back to Myra, ask her how many mailings we had.

November 5, 2007

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MS. MASON: On October 23, I mailed out 64 envelopes and had no response.

MR. KANE: We'll bring it back to the board, any further questions? It makes total sense. I'll accept a motion.

MR. TORPEY: I'll make a motion that we grant the applicant Mr. McQuiston/Froelich as referred by the planning board for lot line change for the requested variance as on the agenda at 224 Pine Street in an R-4 zone.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

April 23, 2008

17

REGULAR\_ITEMS:

MC\_QUISTON/FROELICH\_LOT\_LINE\_CHANGE\_(07-05)

Mr. John McQuiston appeared before the board for this proposal.

MR. ARGENIO: This application proposes conveyance of 4,500 square foot of land from lot 5 name of Froelich to lot 6 name of McQuiston. This plan was previously reviewed at the 14 February, 2007 planning board meeting. Sir, can I have your name for the benefit of the stenographer?

MR. MC QUISTON: John McQuiston.

MR. ARGENIO: Mr. McQuiston, can you give us a rundown of what you want to do here so we can have a good idea?

MR. MC QUISTON: Basically, my neighbor gave me a piece of property that I just want to incorporate into my property and just going to be a bigger yard.

MR. ARGENIO: He gave it to you?

MR. MC QUISTON: Gave it to me.

MR. ARGENIO: Nice guy, huh?

MR. MC QUISTON: Absolutely.

MR. ARGENIO: I want to see, I just would like to see the lot lines, could you please point to them on the drawing, the one you're extinguishing.

MR. MC QUISTON: Going to be this one 50 x 150 or 30 x 150.

MR. ARGENIO: I see 30 x 150.

MR. BABCOCK: That's the lot that was tied to the Froelich lot so his lot was a big L.

MR. ARGENIO: Froelich was a big L?

MR. BABCOCK: That's correct, so this is--

MR. ARGENIO: It's an improvement you're squaring things up.

MR. BABCOCK: Oh, absolutely.

MR. VAN LEEUWEN: Which side of the street is that?

MR. MC QUISTON: They're on Union, I'm on the right side of Pine Street.

MR. BABCOCK: On the corner of Union and Pine.

MR. ARGENIO: I want to read this into the minutes. Lot 5 is being made more non-conforming. I still feel it's an improvement though in my opinion but I'm one member here. A ZBA referral was required because of that Mark writes in his comments, it's my understanding that the applicant received the required variances. The date of the ZBA action and variances granted should be listed on the final plan submitted for stamping. Sir, you did get Zoning Board approval?

MR. MC QUISTON: Yes.

MR. BABCOCK: Yes.

MR. ARGENIO: Do you understand the comment when Mark says that your engineer is going to need to, or your surveyor whoever is doing this is going to need to list the date and the variances that were given on the plan for the file for Myra?

MR. MC QUISTON: Okay.

MR. ARGENIO: What I'd like you to do is take a copy of Mark's comments with you and just show your engineer here, who's your engineer, Ernest Johnson, comment number 1 and he'll know exactly what to do, it's not a big deal.

MR. MC QUISTON: Okay.

MR. ARGENIO: It's not a big deal.

MR. MC QUISTON: Yes, it is, this guy's been giving me the runaround for six months.

MR. ARGENIO: Well, get with Myra, find out when they were done and you put them on the plan, how's that grab you?

MR. MC QUISTON: That's fine with me.

MR. ARGENIO: How's that, simple?

MR. MC QUISTON: Fine with me.

MR. ARGENIO: Come up and see Myra, come up and see her.

MR. CORDISCO: They can't.

MR. BABCOCK: What we can do is we can attach this information with his plan and it will be fine.

MR. ARGENIO: So we'll attach the resolution from the ZBA to his plan.

MR. ARGENIO: You need to follow it up though, call Myra, make an appointment, come and see her, she'll dig the stuff out of the file and we'll attach it to this. You guys you should pay your bills maybe he'll call you back.

MR. MC QUISTON: He's paid in full, that's the problem.

MR. ARGENIO: Only kidding with you.

MR. CORDISCO: One possible way of dealing with this has your deed been recorded yet, the deed where he's transferring the property to you?

MR. MC QUISTON: No.

MR. CORDISCO: You could reference this in the deed that would be an easy way of doing it. See the point of putting it on the plan is so someone in the future when they go to the county clerk's office and they're looking at the plans they can see that there was a record of the ZBA.

MR. ARGENIO: What are the mechanics of that Dominic?

MR. CORDISCO: Well, in terms of like drawing it on the plan it's a problem for him to get the surveyor to do it but in terms of just including reference to the fact that there was a ZBA decision in this case in your deed nothing more than that.

MR. ARGENIO: Who records that?

MR. CORDISCO: County Clerk's Office.

MR. ARGENIO: Who does that?

MR. BABCOCK: He could do it but he's going to have to have an attorney prepare that.

MR. CORDISCO: Right, well, someone that's going to have to prepare a deed at this point he hasn't recorded the deed so what I'm suggesting is that that language--

MR. VAN LEEUWEN: He can't record a deed.

MR. CORDISCO: He can buy the property or take, he's not buying he's actually getting it, he could take the property but it just doesn't become part of that lot.

MR. ARGENIO: I think that's a fine idea. He just suggested when the deed is recorded have the variances listed on the deed.

MR. CORDISCO: And if you have any questions give me a call or have your attorney give me a call or whoever's writing the deed.

MR. ARGENIO: Somebody smarter than you and I is going to write that deed probably.

MR. CORDISCO: Not necessarily.

MR. ARGENIO: So have that person contact Dominic. Dominic, could you please give him a card so he knows how to find you?

MR. CORDISCO: Yes.

MR. VAN LEEUWEN: Cause if you ever want to sell your house that would become a problem.

MR. ARGENIO: You're going to need that.

MR. CORDISCO: And it's for the future so they know that the variances were granted because someone from a lender, that's exactly right as Henry mentioned. If anybody sees fit, I'll accept a negative dec.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare a negative dec for the McQuiston/Froelich lot

line change. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Now, what I normally do here on this one relative to the public hearing I will poll the board and we'll act on that poll. Neil or Henry, how do you guys feel about a public hearing for this? Remember it's at our discretion.

MR. SCHLESINGER: I don't see the need, nothing's changed except between you and your neighbor, that's it, right.

MR. BABCOCK: It's a property line, nobody out there is even going to see the difference.

MR. ARGENIO: Just asking the question.

MR. SCHLESINGER: Make a motion.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded we waive the public hearing for McQuiston/Froelich.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I have one little problem though, I do have a little problem and I think we can get through it but I want to make sure we get through it properly, Mr. McQuiston, so you don't get jammed up at a later date. I understand Szarowski and Cordisco that this has to go to Orange County Department of Planning which I can't imagine that there would be an issue I assume because it's within 500 feet of Route 32.

MR. CORDISCO: Well, just to be clear, I believe that it did go through the ZBA or it did not, someone's shaking their head, who knows better than--

MS. MASON: Cause it was listed as Pine Street.

MR. ARGENIO: So Mark has a note here that it should go to Orange County Planning. Now, typically this board and maybe we can't do it, I don't know, I'm going to ask the attorney, we typically don't offer approval subject to the County Planning Department, we typically don't do that but if we can lawfully do that I think I would submit to my associates that we should consider it. Can we do that Dominic subject to?

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April 23, 2008

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MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/23/2008

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 7-5

NAME: MCQUISTON / FROELICH LL CHG PA2006-1187

APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	02/06/2007	MUNICIPAL HIGHWAY	02/28/2007	APPROVED
ORIG	02/06/2007	MUNICIPAL WATER	/ /	
ORIG	02/06/2007	MUNICIPAL SEWER	/ /	
ORIG	02/06/2007	MUNICIPAL FIRE	02/23/2007	APPROVED
ORIG	02/06/2007	NYS DOT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/23/2008

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 7-5

NAME: MCQUISTON / FROELICH LL CHG PA2006-1187

APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	02/06/2007	EAF SUBMITTED	02/05/2007	WITH APPLIC
ORIG	02/06/2007	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	02/06/2007	LEAD AGENCY DECLARED	/ /	
ORIG	02/06/2007	DECLARATION (POS/NEG)	/ /	
ORIG	02/06/2007	SCHEDULE PUBLIC HEARING	/ /	
ORIG	02/06/2007	PUBLIC HEARING HELD	/ /	
ORIG	02/06/2007	WAIVE PUBLIC HEARING	/ /	
ORIG	02/06/2007	FINAL PUBLIC HEARING	/ /	
ORIG	02/06/2007	PRELIMINARY APPROVAL	/ /	
ORIG	02/06/2007	LEAD AGENCY LETTER SENT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/23/2008

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 7-5

NAME: MCQUISTON / FROELICH LL CHG PA2006-1187  
APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
02/28/2007	P.B. APPEARANCE	SEND TO OCP - ZBA
01/03/2007	WORK SHOP	SUBMIT

**OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: 07-05

DATE: 7-25-07

APPLICANT:

**John McQuiston and Ernest & Mary Froelich**  
**c/o John McQuiston**  
**224 Pine Street**  
**New Windsor, NY 12553**

# 1 ZBA 9-10-07

SET UP FOR P/H

# 2 ZBA 11-5-07

APPROVED

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 1-16-06

FOR: LOT LINE CHANGE

LOCATED AT: Pine Street and Union Avenue

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SEC: 24 BLOCK: 4 LOT: 5 & 6

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

**Lot Area variances for both lots 5 & 6** (lot 6 pre-existing condition being improved)

**Lot Width Lot 6** (pre-existing condition being improved)

**Front Yard both Lots 5 & 6** (pre-existing conditions not being changed)

TOWN OF NEW WINDSOR CODE: **Bulk Tables - Section 300-8**

*Mark J. Edsall, P.E., P.P.*  
Mark J. Edsall, P.E., P.P. @  
Engineer for the Planning Board

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued**

**REQUIREMENTS**

P.B. # **07-05**

ZONE: **R-4**

USE: **Single Family Residential**

	REQUIRED	PROPOSED Lot 5 / Lot 6	VARIANCE REQUESTED Lot 5 / Lot 6
MIN. LOT AREA (Gross)	43560 sf	9000 / 17679**	34560 / 25881**
MIN. LOT AREA (Net)	26136 sf	n/a	n/a
MIN. LOT WIDTH	125 ft	150 / 120**	- / 5 **
REQUIRED FRONT YARD	45 ft	11&36 / 25	34&9*** / 20***
REQUIRED SIDE YARD	20 ft	20 / 28	- / -
REQUIRED TOTAL SIDE YARD	40 ft	n/a / 78	- / -
REQUIRED REAR YARD	50 ft	90 / 94	- / -
REQUIRED FRONTAGE	70 ft	210 / 120	- / -
MAX. BLDG. HT.	35 ft	Both existing	- / -
FLOOR AREA RATIO	n/a	-	-
MIN. LIVABLE AREA	1200 sf	Both existing	- / -
DEVELOPMENTAL COVERAGE	20 %	< 20%	- / -
O/S PARKING SPACES	2/res	Existing spaces	-

**\*\* note that pre-existing non-conforming condition being improved for this item**

**\*\*\* pre-existing non-conforming condition with no change**

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

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33 AIRPORT CENTER DRIVE  
SUITE 202  
NEW WINDSOR, NEW YORK 12553

(845) 567-3100  
FAX: (845) 567-3232  
E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:  
MJE@MHEPC.COM

**MEMORANDUM**  
(via fax 845-744-8739)  
11 April 2007

**TO: ERNEST JOHNSON, P.L.S.**  
**FROM: MARK J. EDSALL, P.E., PRINCIPAL**  
**SUBJECT: McQUISTON - FROELICH LOT LINE CHANGE**  
**NWPB APP. NO. 07-05**

Ernie

In preparing the referral to the ZBA for this application I note the following corrections that must be made to the plan:

- For Froehlich, depict on the plan the dimension from the residence to the property line with Delgatto to the west. This will be the single side yard (there is no total since this lot has two front yards).
- For Froehlich, depict on the plan the dimension from the residence to the proposed property line with McQuiston to the south. This will be the rear yard.
- For McQuiston, depict on the plan the dimension from the residence to the proposed property line with Froehlich, to the north. This will be one side yard.

If possible, fax me back a copy of the plot plan of the drawing with these dimensions added, so I can complete the referral.

Call me if you have any questions.

*Mark*

cc: Myra Mason (via email)

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE - SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

744-8739





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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(845) 567-3100  
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E-MAIL: MHENT@MHEPC.COM

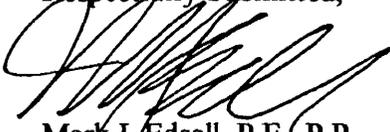
**WRITER'S E-MAIL ADDRESS:**  
MJE@MHEPC.COM

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** McQUISTON & FROELICH LOT LINE CHANGE  
**PROJECT LOCATION:** CORNER OF UNION AVENUE AND PINE STREET  
SECTION 24 – BLOCK 4 – LOTS 5 & 6  
**PROJECT NUMBER:** 07-05  
**DATE:** 14 FEBRUARY 2007  
**DESCRIPTION:** THE APPLICATION PROPOSES CONVEYANCE OF 4500 S.F. OF  
LAND FROM LOT 5 (FROELICH) TO LOT 6 (McQUISTON).

1. The application is a straight-forward lot line change; however, because Lot #5 is being made more non-conforming, ZBA relief will be required.
2. A referral to the Zoning Board of Appeals is necessary at this time. *It is my recommendation that the Board deem the application "incomplete", since the Board can take no action on this application until such time that all necessary variances are obtained.*
3. This project is within a 500-foot distance from Union Avenue (a County Highway) and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239). Perhaps a joint referral can be made with the ZBA.
4. The Planning Board may wish to discuss with the Attorney the best manner of proceeding with SEQRA for this application.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

MJE/st  
NW07-05-14Feb07.doc

**REGIONAL OFFICES**

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- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#116-2007**

02/22/2007

Mc Quiston, John  
224 Pine Street  
New Windsor, NY 12553

Received \$ 75.00 for Planning Board Fees, on 02/22/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

PB# 07-05

MCQUISTON/FROELICH\_LOT\_LINE\_CHANGE\_(07-05)

---

MR. ARGENIO: McQuiston/Froelich lot line change represented by McQuiston. The application proposes conveyance of 4,500 square feet of land from lot 5 which is Mr. and Mrs. Froelich's to lot 6 McQuiston. Sir, your name?

MR. JOHNSON: My name is Ernie Johnson, I'm the land surveyor on the project.

MR. ARGENIO: Tell us what you're doing, Mr. Johnson.

MR. JOHNSON: What Mr. McQuiston would like to do is pick up 30 feet of property from Mrs. Froelich on the corner of Union and Pine, her lot used to go back 30 more feet and went the length of Mr. McQuiston's.

MR. ARGENIO: Can I interrupt? Mr. McQuiston was going to represent this, you're the surveyor, do you have the authority to represent this?

MR. JOHNSON: I believe he signed that paper already.

MR. ARGENIO: Thank you.

MR. JOHNSON: Okay, basically, he had a 90 foot lot, he's now going to have 120 foot lot by picking up 30 feet of Froelich's land that went 150 feet back to the lots that face up on Union and that's basically the exchange.

MR. ARGENIO: So you're squaring it?

MR. JOHNSON: Squaring off Mr. McQuiston's lot and taking that.

MR. ARGENIO: Froelich is going to get a lot in kind with the rest of the lots on Union Avenue?

MR. JOHNSON: Right.

MR. MINUTA: We're not creating any non-conformances?

MR. EDSALL: They have to go to zoning.

MR. CORDISCO: Even though it's consistent with the adjoining lots.

MR. ARGENIO: Maybe I said that a little confusing, they're looking, they're going to be in violation of zoning but what they're creating is consistent with the lots that are in that area size wise, Joe, 80,000 square feet, under the 80,000 square feet but this is in line.

MR. CORDISCO: If I may add this is a pure lot line change, there's not a creation of any additional lots, no new structures you proposed as part of this application?

MR. JOHNSON: Not at all.

MR. MINUTA: Can you just give me a quick understanding of the setbacks, the size of the lots? Is it consistent with whatever the setbacks are also consistent with the neighborhood?

MR. JOHNSON: With the neighborhood, right, they match all the neighborhood, they don't match every new code that's there but the houses are already there all existing.

MR. ARGENIO: No new structures proposed?

MR. JOHNSON: No new ones at all.

MR. ARGENIO: So you're looking for a referral to the ZBA, you guys, this is pretty simple, I mean, so I think that the consensus here is I look to my left and

right I think the planning board will look favorably on this so you have a favorable nod to the ZBA and if anybody agrees with me, I'll accept a motion that we declare this application incomplete at this time.

MR. MINUTA: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare the McQuiston/Froelich lot line change incomplete at this time.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Sir, you have been referred to the zoning board with a favorable spin and good luck to you there. If you're successful we'll see you again but I think it's pretty straightforward.

MR. CORDISCO: Mr. Chairman, this project also needs to be referred to the County Planning.

MR. ARGENIO: Why is that, Dominic?

MR. CORDISCO: Because it's a county--

MR. EDSALL: Everything now with the new--

MR. ARGENIO: Because of its proximity to--

MR. EDSALL: Union.

MR. ARGENIO: Union is not state.

February 28, 2007

48

MR. EDSALL: It's a county highway.

MR. ARGENIO: Do we have to vote?

MR. EDSALL: No, just tell me to do it.

MR. ARGENIO: Send it, send it, my goodness, big brother looking over my shoulder.

MR. EDSALL: Myra, we can do that as a joint referral ZBA and planning board.

MR. ARGENIO: Yeah, we should expedite that as best we can.

MR. EDSALL: So remind me to check both boxes.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/28/2007

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 7-5

NAME: MCQUISTON / FROELICH LL CHG PA2006-1187

APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

--DATE-- MEETING-PURPOSE-----ACTION-TAKEN-----

01/03/2007 WORK SHOP SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/28/2007

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 7-5

NAME: MCQUISTON / FROELICH LL CHG PA2006-1187  
APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	02/06/2007	MUNICIPAL HIGHWAY	02/28/2007	APPROVED
ORIG	02/06/2007	MUNICIPAL WATER	/ /	
ORIG	02/06/2007	MUNICIPAL SEWER	/ /	
ORIG	02/06/2007	MUNICIPAL FIRE	02/23/2007	APPROVED
ORIG	02/06/2007	NYS DOT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/28/2007

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 7-5

NAME: MCQUISTON / FROELICH LL CHG PA2006-1187  
APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	02/06/2007	EAF SUBMITTED	02/05/2007	WITH APPLIC
ORIG	02/06/2007	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	02/06/2007	LEAD AGENCY DECLARED	/ /	
ORIG	02/06/2007	DECLARATION (POS/NEG)	/ /	
ORIG	02/06/2007	SCHEDULE PUBLIC HEARING	/ /	
ORIG	02/06/2007	PUBLIC HEARING HELD	/ /	
ORIG	02/06/2007	WAIVE PUBLIC HEARING	/ /	
ORIG	02/06/2007	FINAL PUBLIC HEARING	/ /	
ORIG	02/06/2007	PRELIMINARY APPROVAL	/ /	
ORIG	02/06/2007	LEAD AGENCY LETTER SENT	/ /	



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

TO: HIGHWAY DEPARTMENT

P.B. FILE #07-05 DATE RECEIVED: 02-02-07 TAX MAP #24-4-5&6

PLEASE RETURN COMPLETED FORM TO MYRA  
BY: 02-12-07 TO BE ON AGENDA FOR THE 02-14-07 PLANNING BOARD  
MEETING.

RECEIVED

THE MAPS AND/OR PLANS FOR:

FEB 23 2007

MC QUISTON/ FROELICH LOT LINE CHANGE

N.W. HIGHWAY DEPT.

Applicant or Project Name

SITE PLAN \_\_\_\_\_, SUBDIVISION \_\_\_\_\_, LOT LINE CHANGE XXX,  
SPECIAL PERMIT \_\_\_\_\_

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: Anthony [Signature] 2-25-07  
Reviewed by \_\_\_\_\_ date

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO:** Genaro Argenio, Planning Board Chairman  
**FROM:** Kenneth Schermerhorn, Asst. Fire Inspector  
**SUBJECT:** PB-07-05  
McQuiston/Froelich Lot Line Change  
SBL: 24-4-5 & 6  
**DATE:** February 23, 2007

**Fire Prevention Reference Number: FPS-07-005**

**A review of the above referenced site plan has been conducted and is acceptable.**

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/06/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 7-5  
NAME: MCQUISTON / FROELICH LL CHG PA2006-1187  
APPLICANT: JOHN MCQUISTON / ERNEST FROELICH

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/06/2007	REC. CK. #1463	PAID		200.00	
		TOTAL:	0.00	200.00	-200.00

*Received for Escrow 2-22-07 \$200.00 -ck*



McGOEY, HAUSER and EDSALL

CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

□ Main Office  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@mhepc.com

□ Regional Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@mhepc.com

Writer's E-mail Address:  
mje@mhepc.com

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor  
WORK SESSION DATE: 3 Jan 07  
REAPPEARANCE AT W/S REQUESTED: NO  
PROJECT NAME: McQuiston Yc  
REPRESENTATIVES PRESENT: McQuiston

P/B APP. NO.: 100-307-05  
PROJECT: NEW OLD  
RESUB. REQ'D: off

MUNICIPAL REPS PRESENT: BLDG INSP. PARTIAL  
FIRE INSP. MJE  
P/B CHMN \_\_\_\_\_

PB ATTY. \_\_\_\_\_  
PLANNER \_\_\_\_\_  
OTHER \_\_\_\_\_

ITEMS DISCUSSED: Pine Street  
single Yc  
expand bulk table  
will need variance to  
lot being made smaller

STND CHECKLIST: PROJECT TYPE  
DRAINAGE \_\_\_\_\_ SITE PLAN  
DUMPSTER \_\_\_\_\_ SPEC PERMIT  
SCREENING \_\_\_\_\_ LL CHG.  
LIGHTING \_\_\_\_\_ SUBDIVISION  
(Streetlights)  
LANDSCAPING \_\_\_\_\_ OTHER  
BLACKTOP \_\_\_\_\_  
ROADWAYS \_\_\_\_\_  
APPROVAL BOX \_\_\_\_\_

PROJECT STATUS: X Y \_\_\_\_\_ N  
ZBA Referral: \_\_\_\_\_  
Ready For Meeting \_\_\_\_\_ Y \_\_\_\_\_ N  
Recommended Mtg Date 1/24/07

07-05

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Change  Site Plan \_\_\_\_\_ Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 24 Block 4 Lot 6

**BUILDING DEPARTMENT PERMIT NUMBER:** PA 2006 - 1187 - SBL # 29-4-6  
MUST FILL IN THIS NUMBER

1. Name of Project McQuiston + Froelich  
JOHN McQUISTON Phone 565-7920

2. Owner of Record ERNEST + MARY FROELICH Phone \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant X JOHN McQUISTON Phone 565-7920

Address: 224 PINE ST.  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan ERNEST JOHNSON Phone 794-6285

Address: P.O. Box 1278 200 ROUTE 302 PINEBUSH, N.Y. 12566  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:  
JOHN McQUISTON 565-7920 - SAME  
ERNEST JOHNSON 794-6285 \* 794-8739  
(Name) (Phone) (fax)

7. Project Location: On the Right side of PINE ST.  
(Direction) (Street)

8. Project Data: Acreage \_\_\_\_\_, Zone \_\_\_\_\_ School Dist. \_\_\_\_\_

07-05

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No \_\_\_\_\_

**\*This information can be verified in the Assessor's Office.**

**\*If you answer yes to question 9, please complete the attached Agricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) \_\_\_\_\_

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no \_\_\_\_\_

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no \_\_\_\_\_

**IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.**

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION

SWORN BEFORE ME THIS:

16 DAY OF January 2006

MARY ANN HOTALING  
Notary Public, State of New York  
No. 01HO5062877  
Qualified in Orange County.  
Commission Expires July 8, 2010

Mary Ann Hotaling  
NOTARY PUBLIC

[Signature]  
(OWNER'S SIGNATURE)

[Signature] 565-431-207  
(AGENT'S SIGNATURE)

ERNEST JOHNSON L.S.  
Please Print Agent's Name as Signed

\*\*\*\*\*

TOWN USE ONLY:

07-05  
DATE APPLICATION RECEIVED

ENTERED FEB - 5 2007  
APPLICATION NUMBER

**AGENT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

ERNEST W. FROELICH & MARY A. FROELICH deposes and says that he resides  
(OWNER)

at 275 Union Ave New Windsor, N.Y. 12553 in the County of Orange  
(OWNER'S ADDRESS)

and State of New York and that he is the owner of property tax map

(Sec. 24 Block 4 Lot 5)

designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in the foregoing application and that he designates:

John McQuinton  
(Agent Name & Address)

224 Pine St. New Windsor N.Y. 12553  
(Name & Address of Professional Representative of Owner and/of Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.**

SWORN BEFORE ME THIS:

16 DAY OF January 2006

\*\* Ernest W. Froelich  
Owner's Signature (MUST BE NOTARIZED)  
762-625-288

Agent's Signature (If Applicable)

Mary Ann Cataling  
NOTARY PUBLIC MARY ANN CATALING  
Notary Public, State of New York  
No. 01HO5062877  
Qualified in Orange County 2010

Professional Representative's Signature

**\*\* PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

**THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER**

ENTERED 572 - 5 2007

07-05

**AGENT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

I, JOHN McQUISTON, deposes and says that he resides  
(OWNER)

at 224 PINE ST. NEW WINDSOR in the County of ORANGE  
(OWNER'S ADDRESS)

and State of N.Y. and that he is the owner of property tax map

(Sec. 24 Block 4 Lot 6)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in  
the foregoing application and that he designates:

ERNEST JOHNSON P.O. BOX 1278  
(Agent Name & Address)

PIWE BUSH, N.Y. 12566  
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR  
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.**

SWORN BEFORE ME THIS:

16 DAY OF January 2006

MARY ANN HOTALING  
Notary Public, State of New York  
No. 011105062877  
Qualified in Orange County  
Commission Expires July 8, 2010

Mary Ann Hotaling  
NOTARY PUBLIC

\*\* [Signature]  
Owner's Signature (MUST BE NOTARIZED)

565-431-207

Agent's Signature (If Applicable)

Professional Representative's Signature

\*\* PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

ENTERED FEB - 5 2007

07-05

**TOWN OF NEW WINDSOR PLANNING BOARD  
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1. ✓ Name and address of Applicant.
- \* 2. ✓ Name and address of Owner.
3. ✓ Subdivision name and location
4. ✓ **Provide 4" wide X 2" high box (IN THE LOWEST RIGHT CORNER OF THE PLAN) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SUBDIVISION PLAN)**  
  
**SAMPLE:** 
5. ✓ Tax Map Data (Section, Block & Lot).
6. ✓ Location Map at a scale of 1" = 2,000 ft.
7. ✓ Zoning table showing what is required in the particular zone and what applicant is proposing.
8. N/A Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
9. ✓ Date of plat preparation and/or date of any plat revisions.
10. ✓ Scale the plat is drawn to and North arrow.
11. ✓ Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
12. ✓ Surveyor's certificate.
13. ✓ Surveyor's seal and signature.
14. ✓ Name of adjoining owners.
15. N/A Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
- \* 16. N/A Flood land boundaries.
17. ✓ A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.

07-05

18. ✓ Final metes and bounds.
19. ✓ Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. ✓ Include existing or proposed easements.
21. ✓ Right-of-way widths.
22. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. ✓ Lot area (in square feet for each lot less than 2 acres).
24. ✓ Number the lots including residual lot.
25. ✓ Show any existing waterways.
- \*26. N/A A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. ✓ Applicable note pertaining to owner's review and concurrence with plat together with owner's signature.
28. ✓ Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. ✓ Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. ✓ Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. ✓ Provide A septic system design notes as required by the Town of New Windsor.
32. N/A Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. N/A Indicate percentage and direction of grade.
34. ✓ Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. ✓ Indicate location of street or area lighting (if required).

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. n/p Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

37. ✓ A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY:  L.S. 12/13/06  
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘ **PLEASE NOTE:** ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

**THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.**

07-05

ENTERED FEB - 5 2007

REC'D BY  
"XX"

## ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

Not in Flood Zone  
*Eugene L.S.*

07-05

ENTERED 113 - 5 2007

PROJECT I.D. NUMBER

617.21

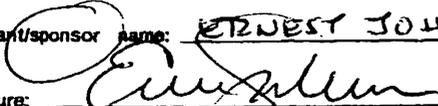
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR McQUISTON + FROELICH / JOHNSON'S LAND SURVEYING	2. PROJECT NAME LOT LINE CHANGE McQUISTON + FROELICH
3. PROJECT LOCATION: Municipality TOWN OF NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) PINE STREET + UNION AVENUE (MAP PROVIDED) SEC. 24 - BLOCK 4 LOTS 5 + 6	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: CHANGE IN REAR PROPERTY LINE OF FROELICH TO McQUISTON 30' x 150' PARCEL	
7. AMOUNT OF LAND AFFECTED: Initially 4500 SQ FT acres Ultimately 4500 SQ FT acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly MAKES FROELICH'S LAND LESS CONFORMING BUT MATCHES REST OF LOT SIZES ON UNION AVE.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: ERNEST JOHNSON L.S.	Date: 1/5/07
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

07-05

OVER 1

ENTERED FEB - 5 2007

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

**A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 817.12?** If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

**B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 817.6?** If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

**C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)**

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

**D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?**  
 Yes  No If yes, explain briefly:

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
 Name of Lead Agency

\_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Title of Responsible Officer

\_\_\_\_\_  
 Signature of Preparer (if different from responsible officer)

\_\_\_\_\_  
 Date

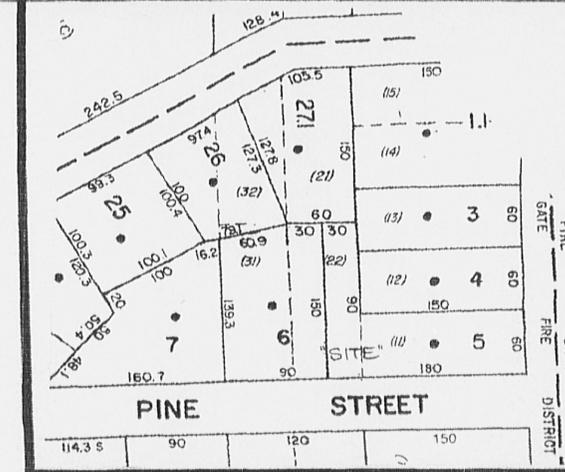
THE PARCEL SHOWN HEREON IS SUBJECT TO ANY AND ALL RIGHTS OF WAY OF RECORD OR EASEMENTS AND ANY ADDITIONAL FACTS A FULL TITLE REPORT MAY DISCLOSE.

SUB-SURFACE STRUCTURES WHERE NOT VISABLE OR READILY APPARENT WILL NOT BE SHOWN AND THEIR LOCATION WILL NOT BE CERTIFIED.

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TAX MAP DATA

SECTION: 24  
BLOCK: 4  
LOTS: 5 & 6



GENERAL LOCATION  
SCALE: 1" = 100'

RECORD OWNERS:  
JOHN McQUISTON  
224 PINE STREET  
NEW WINDSOR, NEW YORK

MARY FROELICH  
275 UNION AVENUE  
NEW WINDSOR, NEW YORK

DEEDS OF RECORD:  
LIBER4835 PAGE 221 (McQUISTON)  
LIBER4938 PAGE 159 (FROELICH)

ZONING DESIGNATION:  
R-4 ZONE

ZONING MINIMUMS:  
LOT AREA.....43,560 SQ. FT.  
LOT WIDTH.....125 FEET  
REQ. FRONT YARD.....45 FEET  
REQ. SIDE YARDS/BOTH.....20/40 FEET  
REQ. STREET FRONT.....70 FEET  
MAX. BLDG HGT.....35 FEET  
MIN. LIVABLE AREA.....1200 SQ. FT.  
DEVELOP. COVERAGE.....20 %

PROPOSED LOT  
McQUISTON

LOT AREA = 17,679 SQ. FT.  
LOT WIDTH = 120.00 FEET  
FRONT YARD = 25 FEET  
SIDE YARDS BOTH = 28'/78'  
STREET FRONT = 120 FEET  
MAX. BLDG HGT = N/A  
LIVABLE SPACE = N/A  
DEVELOP COVERAGE = N/A

PROPOSED LOT  
FROELICH

LOT AREA = 9000 SQ. FT.  
LOT WIDTH = 60 FEET  
FRONT YARD = 11' & 36'  
SIDE YARD = 20 FEET  
STREET FRONT = 60' & 150'  
MAX. BLDG HGT = N/A  
LIVABLE SPACE = N/A  
DEVELOP COVERAGE = N/A

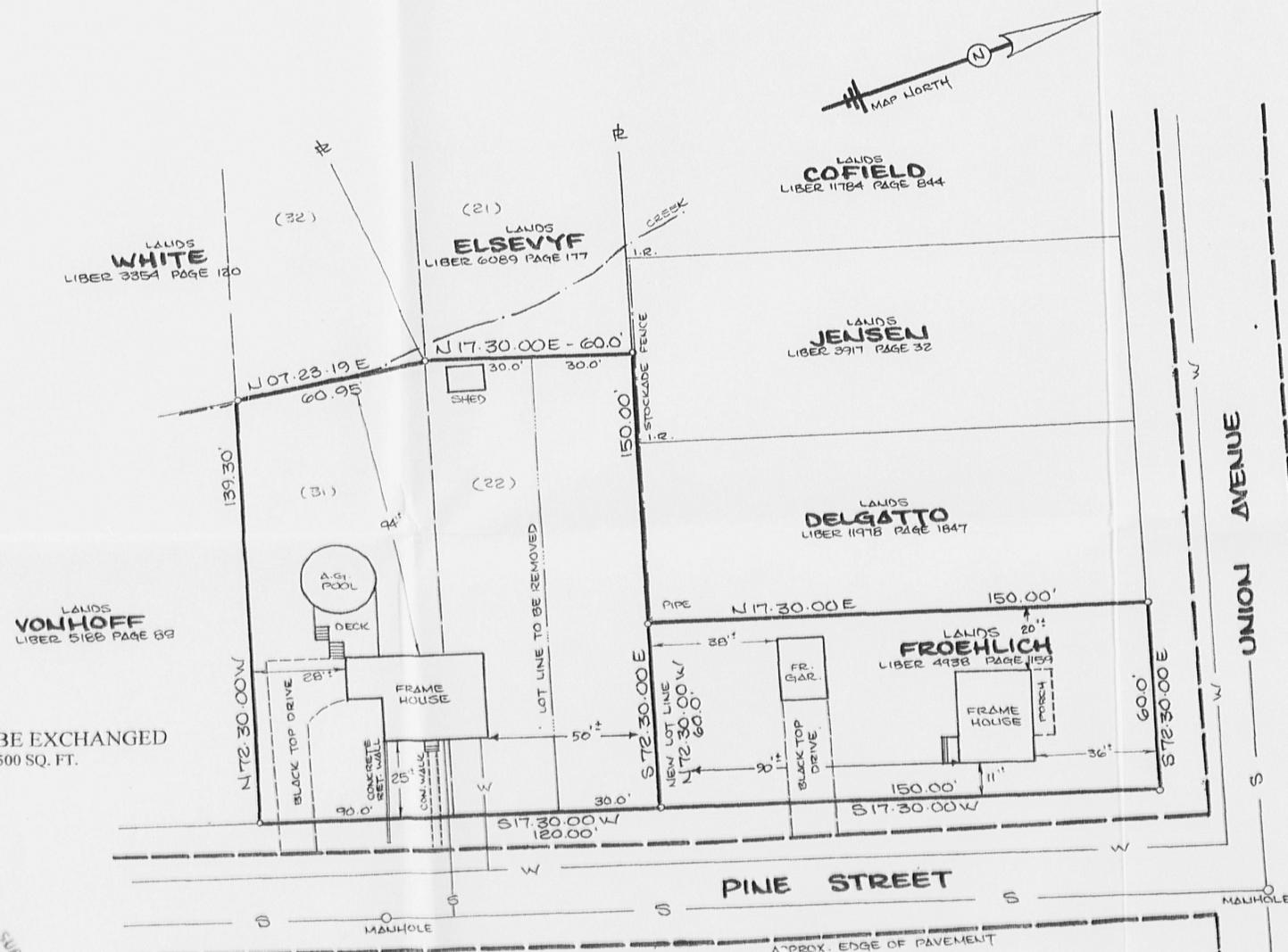
LOT LINE CHANGE  
LANDS OF  
McQUISTON & FROELICH  
PINE STREET & UNION AVENUE  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

PREPARED BY:  
JOHNSONS LAND SURVEYING  
P.O. BOX 1278  
PINE BUSH, NEW YORK 12566  
845-744-6285  
FAX 845-744-8739  
DRAWN TJ CHECKED EJ SCALE 1"=30' DATE 11/16/06 FILE NO. 06-148

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

JUL 16 2008

By: [Signature]  
By: [Signature]



NOTE: FILING OF DEEDS FOR THE TWO PARCELS TO BE DONE AT THE SAME TIME AS THE FILING OF THIS MAP.

LAST REVISION DATE 6/15/07 TO SHOW ENGINEERS COMMENTS EJ



TO: JOHN McQUISTON  
TO: MARY FROELICH  
TO: THE COUNTY OF ORANGE  
TO: THE TOWN OF NEW WINDSOR

I HEREBY CERTIFY THAT THIS IS AN ACTUAL SURVEY PERFORMED IN THE FIELD BY MYSELF ON OCTOBER 25, 2006 AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

ERNEST JOHNSON, P.L.S.  
NEW YORK LICENSE NO. 50,041

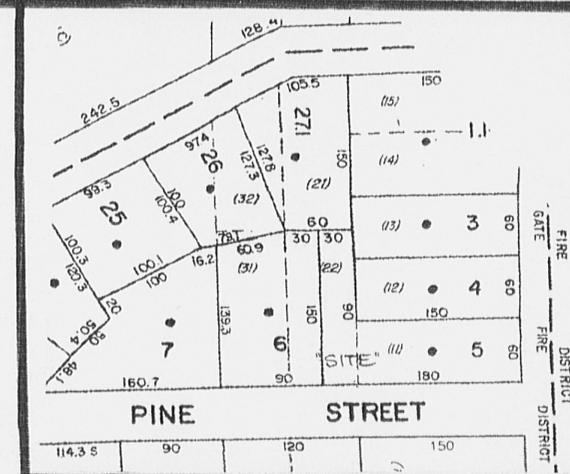
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**TAX MAP DATA**

SECTION: 24  
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**GENERAL LOCATION**  
SCALE: 1" = 100'

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**LOT LINE CHANGE  
LANDS OF  
McQUISTON & FROELICH  
PINE STREET & UNION AVENUE  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

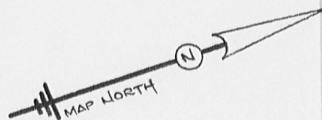
PREPARED BY:  
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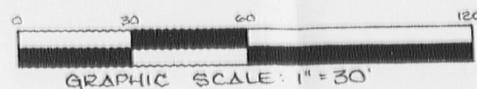
APPROVAL GRANTED BY TOWN OF NEW WINDSOR

JUL 16 2008

By: [Signature]  
By: [Signature]



AREA TO BE EXCHANGED  
4,500 SQ. FT.



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TO: MARY FROELICH  
TO: THE COUNTY OF ORANGE  
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